

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAYCE P. WALTERS,

Plaintiff,

v.

HOOVER & STRONG, INC., et al.,

Defendants.

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**CIVIL ACTION NO. 4:11-CV-3562;
CIVIL ACTION NO. 4:11-CV-1529
(Ellison, D.J.)**

MOTION FOR SUMMARY JUDGMENT

Defendants Hoover & Strong, Inc. and Roseco, Inc. (collectively, “Defendants”), by counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, move this Court for entry of an Order granting Defendants summary judgment of non-infringement and/or summary judgment of invalidity of the asserted patent in this case, U. S. Patent No. 6,279,436. The grounds for this Motion are set forth more fully in the accompanying Memorandum filed contemporaneously with this motion.

Dated: March 20, 2013

Respectfully submitted

**HOOVER & STRONG, INC. &
ROSECO, INC.**

By: _____/s/
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*Counsel for Defendants Hoover & Strong, Inc. and
Roseco, Inc.*

**CERTIFICATE OF COMPLIANCE WITH
LOCAL RULE 7.1 AND COURT PROCEDURES, PARAGRAPH 5(C)**

The undersigned certifies, pursuant to Local Rule 7.1, and Paragraph 59(C) of the Court Procedures of this Court, that he has attempted to confer in good faith with Anastassios Triantaphyllis, counsel for Plaintiff, about the disposition this motion. In response to two written requests to Plaintiff's counsel for his availability to meet and confer about this Motion, each sent more than two days before the filing date of this Motion, Plaintiff's counsel responded that he was not available until after the filing deadline set for dispositive motions in this case. Defendants' counsel will continue to attempt to confer with Plaintiff's counsel and will promptly advise the Court if an agreement is reached that narrows any of the issues to be decided by the Court on this Motion.

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*Counsel for Defendants Hoover & Strong, Inc. and
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CERTIFICATE OF SERVICE

The undersigned certifies that on March 20, 2013, a true and correct copy of the foregoing document will be served via the Court's CM/ECF system per Local Rule CV-5(a)(3), on:

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